

# THE LABOUR ORGANISER

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## ECHOES OF THE EPIC.

### SOME GENERAL ELECTION GENERALITIES.

To what extent must a Parliamentary win be taken as a criterion of successful organisation, or an election agent's ability? This query is prompted by reflections and observations made in a very large number of constituencies at five successive General Elections and at a large number of individual elections going back still further. One recalls an occasion when in almost as many days three by-election wins were declared and the late Mr. Egerton Wake, recalling the circumstances of each, exclaimed that the results seem to show that where organisation was good the Party just scraped through—where it was bad it did much better; but where it was entirely non-existent we did better than ever. The circumstances in those three constituencies went far to justify the observations made.

The fact is that an election win or loss can never be taken as the sole criterion of a Party's efficiency or an agent's ability. A win or loss is often a pure accident of constituency. The technique of elections in some constituencies held by Labour with big majorities is enough to make the angels weep; but the mass vote is there and victory can hardly be missed. In other places an almost perfect machine is created; there is a maximum of sacrifice and ability all round, but one loses. Illustrations of these truths could be given in plenty but they might hurt without benefitting anybody, and so we forbear. Even so, we do not accept the view once expressed by a leader who asked what it mattered about this or that being done, in order, or to time, if the people knew which way to vote?

Labour's aim is to govern well and wisely, to bring order out of chaos and

to establish the well-ordered State. To this end the Movement should breed not only able leaders but a rank and file accustomed to efficiency and able administration. If Labour's fitness to govern was tested by the business ability of some of its Local Parties or the conduct of some of its elections it would, to say the least, be unfortunate. Yet this ought not to be. Why should a rabble or a scramble be commended merely because there are sufficient people in it to grab the thing sought for?

Far be it from us to decry the magnificence of victory. We applaud it always. But it is also just and prudent to appraise the vulnerability of the enemy there, and the cost. We object, for instance, to too heavy expenditure in safe seats. And we do not forgive a muddle merely because it happens to win.

This homily is not directed to the advocacy of an unreasoning reduction in expenditure. One doesn't mind expenditure if value is received, but it is on the interpretation of value that we want a word. Value in an election is not solely expressed by the result because we can point to seats that were missed where the value for money expended was incomparably greater than that spent in other seats that were won. To the extent that one's expenditure brings in votes that would not otherwise be secured, or that it advances Socialist thought, value is given; but if the election expenditure simply resulted in an orgy of disorganisation, as in some cases, or lavish payments for sub-agents, cars, wages, or the mere paraphernalia of elections, value is not there. It should be the aim of every Party to conduct its elections as efficiently and with as directness of purpose as we would wish to conduct the affairs of State. There ought not to be muddle, unaccounted or unre-

cepted payments, waste literature, central confusion or disordered Committee Rooms. Victory cannot excuse these things. And to those who have lost, but advanced their vote by efficient conduct of their elections, we dedicate these remarks; for quite possibly there are those who have forgotten that these achievements are the solid things on which to build future victories.

We were disturbed at the recent election to discover that some agents fail to take full advantage of the provisions of the Representation of the People Act, 1918, relating to the free use of public elementary schools for the purpose of public meetings.

The conditions under which free use is granted are as follow:—"A charge may be made to cover actual and necessary expenses incurred by the local Education Authority, or by the Managers of the School, in respect of the preparation of the room before the meeting for the purposes of the meeting, and after the meeting for school purposes, and for the warming, lighting and cleaning the room."

We have always regarded the above provisions as being of profound value to our Party. The facilities allowed are quite well known and in many areas a convenient custom has arisen, so far as the non-provided schools are concerned, of fixing a small flat rate as a nominal sum to cover the permitted charges in respect of every school. Where this custom exists agents have no opportunity of paying more than the agreed sum. In the case of church schools we have almost invariably found a disposition to charge more than is reasonable. At the best attempts are made to swell the permitted charges and to include something for "wear and tear"—an entirely unjustifiable item and one which is borne out of the public money with which these schools are subsidised.

Election agents who accept improper charges made by parsons are doing a disservice to the Labour Movement. We ourselves, rather than pay an improper price, would tender what is reasonable and put the difference among disputed claims.

But it has come as rather a shock to us to find that there are Labour Election Agents who either out of ignorance of the Act or through the

possession of too much money never claim the privileges to which their candidates are entitled. We know of one recent instance where the education authority being faced with the matter for the first time pointed out that no agent of *any* candidate had claimed the use of schoolrooms in the last five contested elections in that constituency! This indeed, is a reflection on the conduct of the campaigns from the Labour side particularly; and in this case the circumstances operated to the disadvantage of a poor candidate in a neighbouring constituency who had to pay exorbitant prices under protest to the same education authority. We hope there are not many such instances of this character.

Since writing this note we learn that the Education Authority concerned has, after the election, refunded the whole of the excess charges for the General Election to the election agent who claimed his candidate's privileges. We hope the others are duly impressed.

Every electioneer is familiar with errors occurring during the counting of the votes. Probably every story one hears as to bundles of votes being credited to the wrong candidate has not a sound basis of fact, but it is indisputable that mistakes frequently do occur and are detected. And one wonders how many "mistakes" are made at counts where the counters are biased and the watchers are novices!

Painstaking Acting Returning Officers have devised different methods of taking the count in order to avoid the possibilities of mistake or even of suspicion, and we raise our hat to these officers. It is unfortunate for all concerned that no precise method is laid down as to how the counting shall be conducted. In the meantime we commend the method adopted by the Returning Officer in the Nuneaton Division which seems to us to be devised so that the risk of ballot papers being credited to the wrong candidates is reduced to a minimum.

In this contest there were three candidates and suitably sized slips of distinctive colours were printed as reproduced in the next column. As the counting proceeded the votes for the respective candidates were bundled into 50's and the appropriate label was attached to each bundle. The clerk then signed in the place provided and the bundle was handed to the second



**This Bundle**

CONTAINS

**50 VOTES**

FOR

**Mr. Frank Smith**

Counted by .....

Checked by .....

**This Bundle**

CONTAINS

**50 VOTES**

FOR

**Mr. Herbert Willison**

Counted by .....

Checked by .....

**This Bundle**

CONTAINS

**50 VOTES**

FOR

**Capt. A. O. J. Hope**

Counted by .....

Checked by .....

clerk, who checked the contents and signed his name. This double checking made error virtually impossible and the necessity for signatures obviously tended to secure greater care. The distinctive colours for each candidate were found to be of great convenience and further contributed to make error impossible. We should like to see this system adopted in other places.

Gestetners and other duplicators did yeoman service for the Labour Cause in many constituencies during the election. On the whole we have not favoured the use of duplicated handbills for announcements of meetings but we have recommended duplicated matter for the personal letter and with office stationery, or for the issue of emergency stuff which must be got out secretly and rapidly. But a sample of excellent illustrated handbills which has reached us from Hanley somewhat modifies our opinion. The Gestetner here has been put to really fine use and a varied batch of bills illustrated with some telling sketches proves, once again, not only the adaptability of the duplicator, but that handbills can be got from it both varied and attractive in design. Mr. G. H. Meir was the Labour agent. Hanley was won this time with an even bigger majority than at the By-election in 1927.

As our readers will readily understand problems will arise in connection with a contest in a double-barrelled Division which do not arise in a single-membered Division. Some of the problems really begin with the choice of candidates for if one candidate is of striking personality or of greater ability than his colleague and the opponents are similarly placed split voting may divide the spoils to nobody's satisfaction. The problem before the organiser is to keep his pair so in harness throughout the contest as to avoid many votes being split between either of them and either of the opponents. This is never any easy task and we should like to see double-membered constituencies abolished. They are anachronisms to-day.

The following figures which we have culled from the "Bolton Citizen" relate to the double victory for which Councillor H. Eastwood, Labour agent,

was responsible. There is sufficient in the analysis to show that the danger here was of the Tory getting through because of the votes which were split with Law and Barry instead of with Law and Brothers. We congratulate Mr. Eastwood on this double victory for he has succeeded in pulling through with a new candidate and winning both seats with a substantial surplus.

LAW (Labour)—43,520.

BROTHERS (Labour)—37,888.

ENTWISTLE (Con.)—36,667.

HILTON (Con.)—35,850.

BARRY (Liberal)—27,074.

There were 85 spoiled papers, so that the total number of electors who went to the poll was 101,635. The total number of effective votes cast was 180,999.

Barry—18,522.

Brothers—231.

Entwistle—647.

Hilton—393.

Law—2,308.

Barry and Brothers—1,691.

Barry and Entwistle—1,587.

Barry and Hilton—928.

Barry and Law—4,346.

Brothers and Entwistle—122.

Brothers and Hilton—95.

Brothers and Law—35,749.

Entwistle and Hilton—33,814.

Entwistle and Law—497.

Hilton and Law—620.

#### ANNUAL CONFERENCE OF THE LABOUR PARTY.

The Annual Conference of the Party has this year been fixed to take place at Brighton, which place will no doubt prove a convenient and accessible one for Labour Ministers.

The Conference will be held on Monday, September 30th, and the four following days, and, as in 1921, will be held in The Dome, Brighton.

This year's Conference will be of special interest and in spite of having plenty to do it is bound to be also something in the nature of a victory celebration.

For two or three years the Party has had under consideration the question of a revised Constitution and Standing Orders, together with some alterations in the rules for constituency and Local Parties. For special reasons the matter had to be postponed at the last two Conferences, but on this occasion the new draft of the Party Con-

stitution and Standing Orders has already been circulated to affiliated organisations. We hope next month to pay some attention to same in these columns.

Draft Model Rules for constituency and Local Parties have not yet been circulated, but they are to be sent round prior to the Annual Conference. The course the National E.C. propose is to ask the Conference to give these Model Rules general approval and to empower the E.C. to adapt them to local circumstances in agreement with the local bodies.

A novel feature at the Conference is that discussions are to be initiated at the opening of some of the morning sessions by various Ministers of the Government, including the Prime Minister, on subjects of particular interest to the Party, so as to give delegates opportunity for discussing particular aspects of these matters and at the same time to focus public attention on the legislative measures of the Government.

The Conference will be presided over by Mr. Herbert Morrison, M.P., Minister of Transport.

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# The "L.O." Guide to Local Government Elections

## INTRODUCTION.

The number of bodies charged with Local Government responsibilities in this country is larger than some people suppose. Certain of these bodies, however, are of purely local interest and as they do not concern the majority of our readers, and in some cases are not elective in the customary sense, they will not concern us in this series of articles. There are also some minor elections which will be excluded.

The exceptions referred to include (1) certain London authorities with specific functions. These bodies are mostly elective, but they are not elected directly by the electors. (2) The City of London Corporation which is an elective assembly for which the

franchise is restricted and exceptional.

(3) Scottish Local Education Authorities whose future existence is yet uncertain and (4) other elections (such as that of elective auditor) or to parochial offices which we shall give but a passing mention. With the abolition of the Boards of Guardians next year there will be no more elections to these bodies, and they will not be considered.

Those elections, therefore, which will come within the scope of these articles will be those for (1) Borough Councils, (2) County Councils, (3) Metropolitan Borough Councils, (4) Urban District Councils, (5) Rural District Councils and (6) Parish Councils. We hope to add a chapter dealing with minor differences of practice in Scotland.

## PART 1—BOROUGH COUNCIL ELECTIONS.

### THE BOROUGH AND ITS COUNCIL.

As the Municipal Corporations Act, 1882, had it in its preamble (now repealed) "divers bodies corporate at sundry times have been constituted in the cities, towns and boroughs of England and Wales to the intent that the same might for ever be and remain well and quietly governed."

The Municipal Corporations Act of 1882 was not the first attempt to provide a uniform form of government for the cities, towns and boroughs of England and Wales. But the Act, which was supplemented in the following year, and again two years later, has proved a sound piece of legislation; and it has been said with truth that, outside London, this Statute is now the foundation of all Municipal government.

As to the distinction between cities, towns and boroughs, the term "city" is purely one of status, or title, and carries with it no special rights re-

garding Local Government. Boroughs may be either County Boroughs or non-County Boroughs and either may be a city. County Boroughs are those which, within their area, possess similar powers to a County Council. Non-County Boroughs are those within whose areas the County Councils exercise certain powers. There is still further grading of non-County Boroughs in the powers they possess, such grading being based on population. But there are no distinctive titles to boroughs based on such grading. There are towns, of course, which are neither County nor non-County Boroughs; such places may possess Councils, but they are not Borough Councils, and all of them are subject to the Local Government Act, 1894, which set up the Urban and Rural District Councils. Every city is a Borough.

A Municipal Borough has its Mayor and Corporation. The Corporation consists of the Mayor, Aldermen, and

Councillors. The number of Councillors is fixed in the Charter of Incorporation which also fixes the numbers and boundaries of the wards, if any, and the number of Councillors to each ward.

The number of Aldermen must be one-third the number of Councillors. The term of office for the Mayors is one year; for Aldermen six years, and Councillors three years, and all are eligible for re-election. One-half the number of Aldermen go out of office every third year and one-third the number of Councillors go out of office each year.

Aldermen are elected on the 9th November at a special meeting of the Council. Aldermen have no vote for this purpose.

The elections to fill the vacancies of the outgoing Councillors are required to take place on the 1st of November in each year. If this date is a Sunday or a day appointed for a public fast, humiliation or thanksgiving, the elections take place the following day.

#### **CASUAL VACANCIES.**

A casual vacancy on a Borough Council may occur at any time from a variety of causes. An election to fill a casual vacancy is the cumbersome term which is tantamount to the term By-election relating to a Parliamentary vacancy. As in the case of a Parliamentary vacancy no provision exists for avoiding an election where the term of unexpired office is a short one, though such provisions exist in regard to all the other elections with which we are to deal.

No election follows a casual vacancy until two local government electors have given notice of the vacancy in writing to the Mayor or Town Clerk. This peculiar and antiquated proceeding applies even where the Council has by virtue of certain of its powers declared a seat to be vacant. Inexperienced election practitioners sometimes find this procedure a little annoying and they are either deluded into the belief that no election will take place or caught napping by the commencement of one before they are prepared for it.

Following the receipt of notice by two local government electors the election must be held within 14 days and may actually take place a few days earlier. Those concerned should carefully study the various avenues by which a casual

vacancy may be created and seek to be possessed of such knowledge of local affairs as to be prepared when the election comes. It will pay sometimes to spring the surprise on opponents.

The person elected to fill a casual vacancy holds the office only until such time as the persons in whose place he is elected would have gone out of office. Where more than one casual vacancy for a Councillor is filled at the same election and those whose offices are being filled would have gone out of office on different dates, the candidate receiving the highest number of votes gets the longest period of office, the others taking precedence on each other in that respect according to the votes they receive.

Vacancies may occur from any of the following causes:—

#### **1. Election of a Councillor for More than One Ward.**

It is no unusual thing for a Councillor to be nominated and elected for more than one ward. Within three days after notice of his election has been given by the Town Clerk the elected Councillor must choose in writing which ward he desires to represent. This notice must be signed and delivered to the Town Clerk. If the Councillor does not choose the Mayor is entitled to decide for which ward he shall serve. The seats in the wards not selected automatically become vacant, and notice may be given by two electors.

#### **2. Non-Acceptance of Office by a Person Duly Elected.**

A candidate duly elected is required by Section 34 of the Act to take a declaration accepting office. Unless this declaration is taken within five days after notice of the election a casual vacancy is created. The elected candidate is in such case subject to payment of the same fine as that inflicted on a Councillor who resigns. The fine is excused however if the person failing to accept office is disabled by lunacy, imbecility, deafness, blindness or permanent infirmity; and a person over sixty-five years of age who has paid a fine for the same offence within the previous five years may claim exemption from same.

#### **3. Death of a Councillor.**

There are no express provisions governing the death of a Councillor, and it is not even laid down that proof



of death must be afforded to the Mayor when notice is given by two local government electors of the vacancy. Nevertheless death presumes a vacancy and the notice precipitates an election.

#### **4. Resignation of a Councillor.**

Where a Councillor resigns he must do so by a notice in writing delivered to the Town Clerk. He must pay the fine prescribed. A casual vacancy is not created until the Council have declared the seat to be vacant, which must be done by three members of the Council and the Town Clerk giving notice in writing outside the Town Hall.

Until the Council has declared the vacancy no steps can be taken to procure an election, unless it be by action in the High Court to compel the Council to fulfil the necessary procedure.

#### **5. Continuous Absence of a Councillor.**

A Councillor who, except in case of illness, is continuously absent from the Borough for more than six months "shall thereupon immediately be disqualified and shall cease to hold office." So says Section 39, and it is laid down that in any such event the Council shall forthwith declare the office to be vacant. The procedure is similar to that in cases of resignation.

It was, in our opinion, the intention of the statute that an election should take place as soon as possible after a Councillor became disqualified. A Council which does not fulfil the proper procedure is failing to perform a public duty, but many such instances occur. Ordinarily where it is apparent that the duty to declare an office vacant is being shirked, the best course is to move a resolution on the Council. The only other course is action in the High Court.

It should be noted that no vacancy can arise out of mere non-attendance at Council meetings.

#### **6. Bankruptcy Acts of a Councillor.**

Where a councillor becomes bankrupt or compounds by deed with his creditors or makes an arrangement or composition with his creditors under the Bankruptcy Act, 1869, by deed or otherwise he immediately becomes disqualified and ceases to hold office. A declaration by the Council, as in the case of "continuous absence," is required to be followed up by notice by two elec-

tors. In the case of bankruptcy or an arrangement the disqualification ceases on an Order of Discharge and in the case of compounding or composition it ceases when the debts are paid in full.

#### **7. Commission of Corrupt Practice by a Councillor in a Parliamentary Election.**

Under the Corrupt and Illegal Practices Act, 1883, any person convicted or "reported" of a corrupt practice (i.e., in a Parliamentary Election or any election to which the Act applies) is declared incapable of holding the office of a Borough Councillor. Under this Act the conviction or "report" of an Election Court acts as a declaration that the office is vacant (Section 6, (3) b and Section 64). The notification by two electors is only necessary to secure the election. The disqualifications attaching to conviction for illegal practices in a Parliamentary Election are open to some doubt.

#### **8. Commission of a Corrupt Practice by a Councillor in Municipal Elections.**

Similarly the Municipal Elections Corrupt and Illegal Practices Act, 1884, enacts that a person reported by an Election Court to have been guilty of corrupt practices in a Municipal Election is to be declared incapable of holding a corporate office in the Borough, and his election is held to be void. The seat is held to be vacant from the date of the report of the Election Court or from the date of a conviction if this takes place.

#### **9. Conviction of a Councillor for Felony.**

As will be well understood criminal conviction and imprisonment for felony imposes not only a disability to hold office, but a statutory disqualification.

It doesn't appear that a person convicted of a misdemeanour and sentenced to a term of imprisonment is disqualified from holding office, though contingent happenings such as absence or cessation to remain qualified to vote might conceivably operate to the same effect. No procedure is necessary other than the notification of two local government electors.

#### **10. Conviction of a Councillor for Offences in Office.**

Certain improper acts of a borough councillor referred to later under the heading "Who may be a Candidate" may result in him being considered an unfit person to hold public office, in

which case the seat is declared vacant by the court making the conviction. Notice by two electors can follow.

### 11. Election Petition May Create a Vacancy.

It is within the power of an Election Court to declare an election void by reason of *general* bribery, treating, undue influence or personation, or to declare an election void for *specific* corrupt acts or illegal practices, or further to declare that the person elected was not qualified to be elected, or that he was not elected by a majority of lawful votes.

Where the Election Court declares an election void and does not declare some other person elected in the place of the unelected Councillor a new election must be held "to supply the vacancy in the same manner as a casual vacancy." That is to say two electors only need take the necessary step with the Mayor or Town Clerk to secure a new election.

### 12. Disqualification of a Councillor to Hold Office.

By Section 12 of the M.C.A., 1882, all the disqualifications which prevent a person becoming a candidate apply also to sitting councillors. Certain other offices disqualify such as the office of elective auditor. A councillor is disqualified if he holds any office or place of profit other than that of Mayor or Sheriff or if he has directly or indirectly any share or interest in any contract or employment with, by or on behalf of the Council. There are certain exceptions to the last clause and columns could be written on the legal problems which have arisen as a result of this section. It is somewhat outside our scope to enter into an explanation here as to what constitutes an office or place of profit or a share or interest in a contract or employment.

It would appear that unless the person disqualified resigns no election can take place. An appeal can, however, be made and has been made in many instances to the High Court for a declaration that a councillor was disqualified and that the office was vacant. But it seems clear that disqualification in some cases can be temporary only and that the removal of circumstances which created a disqualification can restore the qualification to act and remain a councillor. In practice endless difficulties arise out of the wording of this section and probably many abuses continue to exist because of the ambiguity of the remedy provided.

### 13. Disqualification of a Councillor by non-residence.

Residence still remains a condition of qualification for certain councillors, i.e., for those who derive their qualification solely from being registered as Local Government Electors. If this was the councillor's only qualification at the time of his election he becomes disqualified whenever he ceases to reside in the borough for six months unless he was at the time of election and continues to be otherwise qualified.

Disqualification in this manner differs materially from the disqualification under Section 12 of the M.C.A. (mentioned in No. 12 above) for in the case of disqualification by non-residence the office is declared vacant by the Statute. This cannot be rectified or the disqualification be removed, and it only requires the usual notice by two electors to secure a fresh election.

### 14. Election of a Councillor as Alderman.

If a Councillor is elected to and accepts the office of alderman he vacates the office of Councillor (Section 14 (4) M.C.A. 1882). The Council is not required to declare the office vacant and immediately on the councillor being elected an Alderman notice may be given by two local government electors.

### WHO MAY BE ELECTED?

The qualifications for a borough councillor are, as befits the holder of a purely local office, very much more confined than the qualifications for a Parliamentary candidate. The disqualifications are also more numerous.

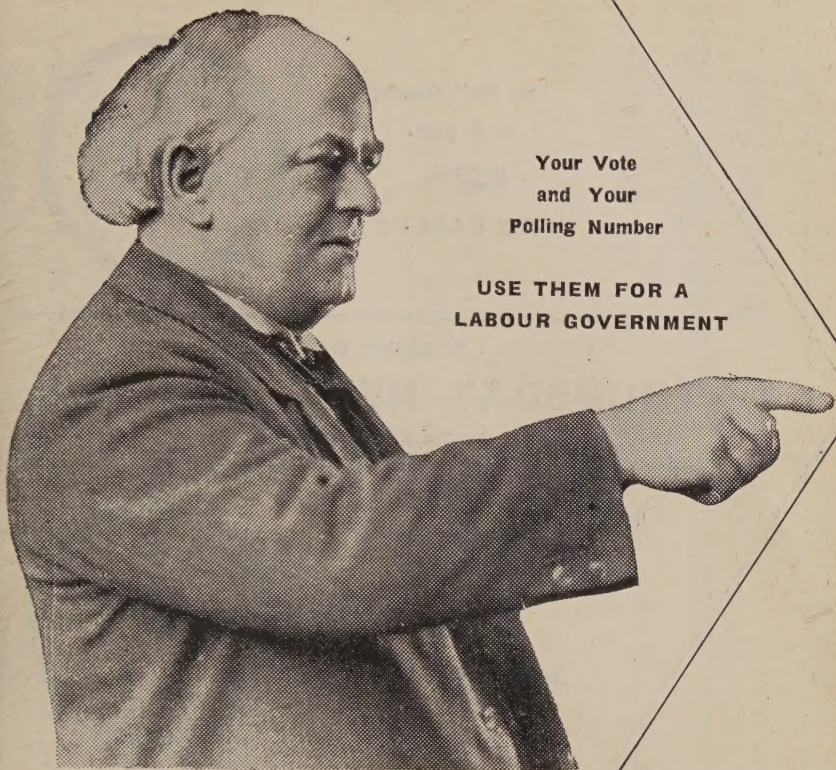
The qualifications are four in number and are as follow:—

1. A person is qualified to be elected or to be a Councillor if he is enrolled and entitled to be enrolled, as a local government elector, and\*
- (a) is seised or possessed of real or personal property, or both, to the value or amount, in the case of a borough having four or more wards, of one thousand pounds, and in the case of any other borough, of five hundred pounds,

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\* NOTE.—A misprint occurs in Volume III. of Rogers' on Elections dealing with Municipal Elections where, in quoting this Section, the word "or" is used instead of "and" thus substantially altering the meaning of the section and virtually conferring an additional qualification.





**Your Vote  
and Your  
Polling Number**

**USE THEM FOR A  
LABOUR GOVERNMENT**

*See Page 144.*

(b) or is rated to the poor rate in the borough, in the case of a borough having four or more wards, on the annual value of thirty pounds, and in the case of any other borough of fifteen pounds.

2. A person is qualified to be elected and to be a councillor who is at the time of the election "qualified to elect" to the office of councillor. But if a person qualified under this proviso "ceases for six months to reside in the borough he shall cease to be qualified under that proviso and his office shall become vacant unless he was at the time of his election and continues to be qualified."

3. A person is qualified to be elected and to be a councillor who has resided within the borough during the whole of the twelve months preceding the election (4 and 5 George c 21, Section 1).

4. A person is also qualified to be elected and to be a councillor if he is

the owner of property held by freehold, copy hold, leasehold or any other tenure within the borough.

It will be noted that property qualification still lingers in the above conditions.

Under both the first and second qualification the candidate or councillor must be enrolled as a local government elector and *entitled to be so enrolled*. For a person is not "qualified to elect" unless actually enrolled and entitled to such enrolment. The main difference between the two qualifications is that the person who is qualified merely by enrolment (registration) must sustain his residence, but under the first qualification it is only necessary to remain possessed of the stipulated property. Actually a non-resident may become elected under either of the first two qualifications, but in the second case residence will have to be made or disqualification will arise.

**The Poll Opens  
at 8 a.m.**



**GO EARLY!**



**POLLING DAY IS**

**THURSDAY NEXT, MAY 30th**

**FROM 8 A.M. to 9 P.M.**

**The Poll Closes**

**at 9 p.m.**



**DON'T BE LATE!**



*See page 144.*

The third qualification is a very wide one. It is not necessary to be enrolled as a local government elector in order to be qualified to be elected, provided there has been residence for twelve months prior to nomination; nor provided the conditions are fulfilled at the time of election is it necessary for residence to be maintained. Non-residence for six-months is not a disqualification as under the second qualification, though in *both* cases, or under any qualification, "continuous absence" will disqualify (for meaning of this term see under para. 5 in "Casual Vacancies"). Continuous absence must be distinguished from mere non-residence.

The fourth qualification, which is the most recently enacted, confers on property owners the title to be elected whatever the nature of the ownership may be, and however unimportant the property may be. This clause was

added somewhat hurriedly to the Representation of the People Act, 1918, when it was discovered that the abolition of the non-resident list of electors meant the virtual disqualification of many councillors.

We have already seen when discussing the causes which create a casual vacancy that there are a number of disqualifications for the office of councillor. There are in addition certain persons who by various enactments are ineligible for the office of councillor. These persons are mostly holders of public offices whose election to the council would be obviously improper, and included amongst them are town clerks and treasurers, coroners, recorders, clerks of the peace in the borough, etc. Besides these, officers of the army and navy on active service are incapable of election. Officers in the auxiliary forces are not debarred and indeed an

*(Continued on Page 140.)*



## HOW TO VOTE LABOUR.

When you enter the Polling Booth state your Number and your Name to the Presiding Officer. He will then give you a Ballot Paper. Take it into one of the compartments and if you desire the success of **ROBERTS** put a **X** on the Ballot Paper opposite his name, thus:—

1. **CHESSHIRE**

2. **RAMAGE**

3. **ROBERTS**

**X** 

Do not make any other mark than a **X** on the Ballot Paper, or it may be spoiled.

If you spoil your Ballot Paper ask for another.

When you have marked your Ballot Paper as above, fold it and place it in the Ballot Box.

On leaving the Polling Booth go to the Labour Committee Room, state your Polling Number, then you will not be troubled with the Canvassers, and you will save their time calling upon you unnecessarily.

**SPON LANE WARD  
POLLING DISTRICT**

**XX**

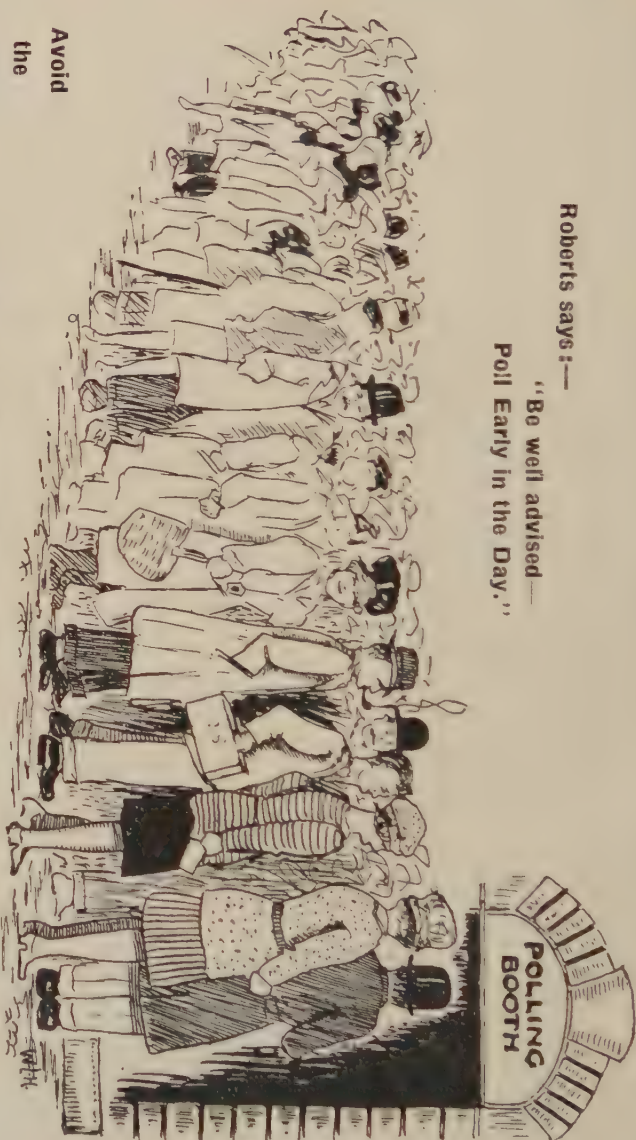
**Your Polling No. Is**

**No.**

**YOU POLL AT**

**Secondary School Pavilion  
Birmingham Road**

Roberts says :—  
 "Be well advised—  
 Poll Early in the Day."



Avoid  
 the  
 Late  
 Rush

THE POLLING BOOTH DOORS WILL CLOSE AT 9 P.M. PROMPT.  
 DO NOT RISK BEING LATE—MAKE SURE BY VOTING EARLY!

Back of Poll Card. See Page 144.





## QUESTIONS ANSWERED HERE

### Two Local Parties in One Area.

*Question.* What is your advice in the following matter? Another Local Party has been formed in an electoral district where one exists already. The area in which a new Party has been formed is about thirty minutes' walk from the existing Party's meeting room, and the comrades who desire to be doing something consider the distance is a bar to the successful working of a new district which is a large and growing one. The old Party has already passed a resolution of protest.

*Answer.* The question raised is a very old one in the history of our Movement, and the attitude of the original body is no new one either.

It is perfectly true that if the new Party has been formed in an area for which a Party already exists it is out of order; it is like a new tooth growing on an old one. But our Movement has not grown to its present size without the proprieties being offended now and again and, while we should certainly not have advised our comrades in the new district to have acted so precipitantly, yet we cannot now advise that the right course is simply to put the extinguisher upon them. Virility shows itself in a number of ways, and the formation of a Party in a new and growing district is a good sign. At the same time our friends must put themselves right, and it is for the older body to find ways and means of allowing this new growth to develop.

We are not sure from our correspondent's letter whether the electoral district for which the original Party exists is divided into wards or not. If it is the solution is simple, for the new Party can become a Ward Committee in its own area. The district is probably one of those suburban areas of considerable extent, originally rural

in character, which has experienced a sudden growth of population and the reasonable course to follow is to find an accommodation which will allow the local committee to function alongside of and as a part of the present organisation. This problem is constantly cropping up owing to the development of housing estates, and it is a fatuous thing to allow the development to be cramped by conditions that were imposed in other circumstances.

### Payment for Conveyance.

*Question.* A friend and I have had a friendly argument concerning the conveyance of voters to the poll. I have seen somewhere that in addition to the ordinary expenses at an election payment could be made for conveying voters by sea. I am quite sure that I have seen this stated somewhere but not in the "Labour Organiser." I have looked up the Schedule of the Corrupt Practices Act and I cannot find it there either. Can you please tell me if I am correct?

*Answer.* There is a provision in the Corrupt and Illegal Practices Act, 1883, of which our friend has probably heard. It is, however, by no means so far reaching as he has supposed. It applies only to County Divisions and actually not to many of these, because in few cases can it be said that the nature of the Division is such that voters must cross "the sea or a branch or arm thereof" in order to reach their polling place. However, where such is the case candidates have an additional avenue for expenditure to those ordinarily permitted, and expenses incurred in carrying voters across the water in order to vote rank as an addition to the maximum which might otherwise be spent.

This provision is not to be found in the first Schedule to the C.I.P.P.A., but it will be found in Section 48, which reads:—

"Where the nature of a county is such that any electors residing therein are unable at an election for such County to reach their polling place without crossing the sea or a branch or arm thereof this Act shall not prevent the provision of means for conveying such electors by sea to their polling place, and the amount of payment for such means of conveyance may be in addition to the maximum amount of expenses allowed by this Act."

### Inspection of Election Returns.

*Question.* Is it a fact that the election account of any candidate can be inspected at any time? Will you please answer this and also tell me whether it is correct that the candidates can claim their papers back again after a given period?

*Answer.* The returning officer is instructed by the Corrupt Practices Act, 1883, to keep the return and declarations at his office or some other convenient place and they may be seen at all reasonable times by any person on payment of a fee of 1s. After two years the returning officer may cause the return and declarations to be destroyed. If the candidate or agent so desire the papers may be returned to the candidate. Note the Act says "to the candidate" not to the election agent. The documents, *i.e.*, receipts and vouchers accompanying the return are considered a part of same and may be inspected along with the return or returned to the candidate as the case may be.

The Loughborough Labour Party, just before the election, became possessed of something special in the way of handbells. The bell which called the electors to the outdoor meetings of the winning Labour candidate was cast in the world-famous bell-foundry of Messrs. John Taylor and Co., Loughborough. And it has something superior in tone and resonance to the ordinary street handbell. Some of the sweetest and biggest bells in the world come from Loughborough and it is appropriate that the workmen who cast them should possess one of their own.

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## LAW AND PRACTICE



### THE RESPONSIBILITY FOR ELECTION EXPENSES.

*Question.* I should esteem it a favour if you will inform me whether the election agent or the candidate in a contest is responsible for the payment of the expenses incurred. Are election debts like ordinary debts recoverable in a County Court and can a candidate who cannot meet his expenses be made bankrupt?

*Answer.* We hope no tragedy lies behind this query. The first thing to do in any difficulty is to lay the whole facts before the officers of the National Labour Party, who will advise on the course to be taken.

As to the responsibility for payment of the election expenses usually the candidate's position is that of employer, and the agent is an employee with authority to pledge the candidate's credit up to a certain amount. This, at any rate, would be the normal legal presumption, though in practice there are many exceptions. The circumstances mentioned would not prevent questions arising as to whether an agent had exceeded his authority or disobeyed instructions, but it is beyond our scope to attempt to deal with the niceties of the law of contracts.

But the position stated is not always the practice in the Labour Party. There is nothing in the law to prevent the whole of the election expenses being provided for a candidate by some third person or Party. When it is given out that a third party is providing the funds and this third party appoints the election agent and gives him instructions regarding the expenditure the principal in such cases would probably not be the candidate but whosoever held themselves out as responsible. But a Trades Union often hands over a sum of money to the candidate and the latter then virtually assumes the status of employer;

in doing so he accepts responsibility for the expenses properly incurred by the agent's acts within the latter's authority. This is sometimes the case, too, where a Divisional Party finds the money, though it is in these latter cases that the position is less clear. An agent of a candidate financed by a Divisional Party is often the business head of his Party and takes responsibility as such. The legal liability of the candidate would quite possibly depend upon the extent to which persons giving credit had given same on the presumption of the agent's credit or on the presumption of the Divisional Party's credit. It might be a question of fact in each case. It must not be forgotten that frequently tradesmen give credit to a well-known local agent which they would not be so prepared to give to a stranger coming into the constituency. Instances might occur even where the agent has signed orders as agent for his candidate where it might be shown on the facts that credit was given on the knowledge or guarantee that the agent was providing the money. Altogether the problem is surrounded with possibilities, and the soundest answer to our correspondent's query is that morally the liability rests with the local movement.

With regard to the second query an election debt may be sued for exactly as in other debts, provided that the account was rendered with proper particulars within the time prescribed by law. A candidate may be made bankrupt for election debts as for any other debts.

*Question.* Can you please tell me if there is any criminal responsibility attached to failure to pay the election expenses, if so, what is the responsibility for the agent and for the candidate?

*Answer.* This question has reached us two or three times in different forms and, although the circumstances which prompted the above correspondence have happily terminated in a satisfactory manner the question is of general interest and we will therefore deal with it here.

The Corrupt and Illegal Practices Act, 1883, says that "all expenses . . . which are incurred . . . shall be paid within the time limited . . . and not otherwise (the time limited is twenty-eight days after the day on which the candidates are declared elected.—Ed. 'L.O.')

. . . and subject to such extension as may be allowed in pursuance of this Act an election agent who makes a payment in contravention of this provision shall be guilty of an illegal practice."

A definite punishment of either the candidate or agent for non-payment of the accounts within the time specified is not provided for in the Act though the procedure for paying claims after the date has gone by is quite a refinement of punishment.

Any claim not paid within the proper period is deemed to be a disputed claim, and such unpaid claim or claims must be declared in the statutory return of expenses. Failure on the part of either the candidate or agent to make the return of expenses is a grave matter involving very heavy penalties. Failure to declare in the return the unpaid (i.e., disputed) claims is a mighty risky proceeding for the return is then a "false declaration" and punishable as a corrupt practice. Further, the election agent who omits unpaid claims from his return places a premium on discovery for the creditors have only to sue for their debts and the false declaration is brought to light.

There are two courses open to candidates or agents with unpaid claims on their hands. Probably the cheapest course, although still an expensive one, is to allow each creditor to sue for his bill. A judgment of the Court acts as an absolution for the payment of the debts, and any sum paid in pursuance of the judgment is deemed to be paid within the time limited. It is also an exception from the provisions requiring claims to be paid by the election agent. This course, though the cheapest, is thoroughly discreditable, and it could be depended upon to bring odium to the Party that would last for many years.

The other course is to apply to the High Court, when ready to pay, asking for an order of leave and making such pleading in the matter as is possible to excuse the non-payment. Notice of any application of this kind must be given to the Opposition candidates and the Returning Officer and also advertised in the constituency. The Court, i.e., one of the Judges on the rota for the trial of election petitions, has power to grant an order of leave after which the claims specified in the order may be paid without offence being committed.

A supplementary return is required to be sent in where a payment has been made following the order of the court and, of course, any payment so made ranks with the other paid bills in relation to the total permitted expenditure.

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(Continued from Page 134.)

exception is made in their case if "continuous absence" for more than six months which would otherwise disqualify is caused by service in the auxiliary forces overseas.

In supplement to the disqualification we have seen arising out of corrupt practices at an election, there is a disqualification which may be inflicted as a punishment on an individual convicted of corruption in office (an altogether different offence from an election corrupt practice). Such person may be declared by the court incapable of being elected. And a further wholesome provision is contained in Section 124 of the M.C.A. 1882 prohibiting corporation funds being used in furtherance of any person's candidature at a Parliamentary Election. Those responsible for any breach of this provision may be convicted and declared incapable of holding office.

(To be continued.)



## OUR TRIP UP THE RHINE.

By M. and S. J. GEE.

*With so many of our readers now taking a well-deserved rest from the turmoil of the election we feel the following article will be of special interest. The Labour agent for the Minister of Agriculture, and his wife, here detail their experiences, and even the stay-at-home may find entertainment in their story.*

In May, 1928, we went on a long-desired tour up the Rhine, having obtained our passport through the Workers' Travel Association. This was issued for husband and wife (7/6) and is available for two years, when it can be renewed for a further two-year period for the sum of 2s. The passport covers four or five countries. In our case it covered France, Holland, Belgium and Germany. Applications should be made for passports very early, before the contemplated time of the actual holiday.

We booked two single tickets from Cromer to Rotterdam per the London and North Eastern Railway Company, at a cost of 46/10 each, this including Third Class rail and Second Class boat.

We also booked, by post, through the London Office of the Dutch Steamboat Company, two Rhineboat fares at a cost of £4 3s. 8d. for the two of us. The Company included with the ticket a pamphlet, giving the times of arrival and departure of the river steamers, a key to the names and places corresponding to the large numbers which we found are placed along the river bank at intervals, to show passengers exactly where they were. This we found very helpful later on, especially as our crew, with the exception of the waiter, were quite unable to converse with us, owing to the lack of knowledge of the language.

We proceeded via Parkstone Quay (Harwich) to the Hook of Holland during the night, arriving soon after dawn. After staying at the Hook for some hours, trained to Rotterdam (sixteen miles) and spent the rest of the day in looking around this quaint old city. Its finely equipped Post Office was a joy to behold, and the little waterways all about the city are well worth a visit. Having spent the previous night in travelling we were glad

to embark at an early hour upon the river paddle steamer "Emma," which was to be our home for the next four days. These river steamers are Dutch vessels and ply between Rotterdam and Mannheim. They have cabin room for a small number of passengers, but apart from the few summer months their main use is for the conveyance of merchandise to the various ports along the Rhine.

We found our cabin well prepared for us and spotlessly clean, although rather small. The bunks were warm and comfortable and the constant supply of hot water laid on in the cabin was an additional comfort.

It was quite a thrilling moment at about 6 a.m. next morning when, having been awakened by a hoot from the boat's siren, we gently glided out from the quay at Rotterdam and were "en voyage" for Germany. We were the only cabin passengers during the trip.

The whole of the first day was spent on the boat peacefully gliding through flat Holland. We caught sight of many and varied types of houses along the river bank, and were charmed with the colourful effects of the huge tulip fields. Everywhere we saw cultivation of the soil, and no waste land at all. We stopped at several ports along the river for the delivery and reception of goods, and also occasionally for short distance passengers. For most of the voyage we were the only passengers on the boat.

The crew numbered twelve and the captain was pleasant and friendly, although he was unable to speak or understand English. The Dutch waiter could speak some English, and we found him very helpful over the choice of foods. As our journey progressed he was still more helpful, and greatly added to our comfort and interest.

The weather was rather wet and very cold, so we were somewhat closely confined to the saloon, which, however, was warm and cheerful, and we were well able to see the scenery from the windows. The waiter informed us that during the season, a month or so later he often serves meals to 200 passengers in a day. These would be mostly day travellers. We had the run of the boat to ourselves in May, so were able to choose our points of vantage wherefrom to view the splendid

panorama constantly unfolding before our eyes on both sides of the beautiful Rhine.

On the evening of the first day we arrived at the frontier Emmerich. Great Eiffel towers mark the boundary between Holland and Germany. Here the German Customs House officials came on board and examined our passport and luggage. We found them exceedingly civil, courteous and friendly, and upon their departure said they were pleased to see English and wished us a good journey. They spoke in broken but distinguishable English, so they had the advantage of us, neither of us being able to speak to them in German, but the friendliness of these two officials, to our minds, coloured favourably the whole of our tour in Germany. We noticed particularly that all officials with whom we came in contact during our journey abroad were courteous, helpful and friendly to us, and of course to them we were foreigners. Most of them knew a little English, and we found that a remark to the effect that we were English and could not speak German was a sure passport to a smile and expressions of welcome. And this after the bitterest war in history. It makes one think very hard.

We spent four days and nights on this pleasant little boat, and it was certainly like a dream voyage, so peaceful and happy, with the scenery ever growing more beautiful as we passed by. We were able to take a good many "snaps" from various angles and from a variety of places. The boat did not travel during the nights, but moored up at the last port of call each evening. Sometimes the loading and unloading late at night was very disturbing to us in our cabin near the hold, but we got used to it and slept well and soundly.

On the second day we stopped at Dusseldorf, a most beautiful city, with magnificent streets and fine old trees. The shops and buildings generally looked palatial, and it was a joy to go on shore and find our way to a recommended bank wherein to change a traveller's cheque. Here we found no difficulty, so made our way to a Post Office, to buy some stamps. Here again the officials were friendly and welcoming. We should like to have stayed longer in this beautiful city, but the boat was waiting and there were other places to see.

The Ruhr district was more indus-

trial, with its huge cranes, railway sidings and port side works. We had some idea of industrial Germany from this part of the river. The factories seemed lit up for miles as we passed along at night, showing us that the night-shifts were working in full strength.

On the second afternoon we steamed into Cologne, having seen two tall spires two hours before our arrival, and which we had been informed was Cologne Cathedral. We landed here and had two or three hours in that fine old city, visiting the Cathedral and getting a general view of the centre of the city from the riverside. We were so impressed with it, and the great "Pressa" Exhibition (on the opposite side of the river) looked so fascinating that we decided to spend a day or two on our way home in the neighbourhood, which we ultimately did. As we steamed away from the river bank the sun was setting and the bells of the cathedral commenced to peal out over the water with wonderful effect.

Whenever the boat stopped at a port we asked how long we had to wait and the "Administrateur" (purser) produced his watch and pointed to the time on it when the boat was due to leave. In this way we had many short trips to riverside places and had various opportunities for some much-needed exercise.

Our third day was spent in the world-famous 100 miles of the Rhine, with its castles, gorges, and vineyard-covered hills ever looming up in one long panorama of beauty, and as the river winds along with its many twists and sharp turns the scenery varies with every fresh view. We passed the famous Lorelei rock of legendary fame, and our waiter was delighted to point out and explain the many points of interest as we glided along. We passed by many a fine town and often wished we had unlimited time to stay and explore some of these places. Coblenz looked very picturesque with its trees and gardens along the side of the river, whilst Boppard, St. Goar and many others looked ideal honeymoon spots for those who desired such places. Some of the famous spots were, unfortunately for us, passed in the dark or early morning, so we were unable to see some of them. The mists were often thick in the early part of the day but they soon cleared away, and I think we saw all that it



was possible to see. At one or two places when we went ashore we seemed to be objects of great curiosity and even amusement to small boys, and we discovered that it was because S. J. had a plus-four suit on, and they were apparently the only ones ever seen in some of the small places along the Rhine. We were very much amused when we discovered the reason (by a small boy pointing to them). At one port a large consignment of Ariel motor bicycles were unloaded, much to our interest, we having possessed one in the past. This was at quite a small place called Biebrich, which is the port for Wiesbaden, and the only place to which we went ashore after dark.

At Mayence the hills recede and the Rhine seems to be like a canal cut through the country on a bank, with villages below the water line, to the right of us. We passed by Worms and finally arrived, on the fourth day, at our destination, Ludwigshaven, opposite to Mannheim, both huge manufacturing cities.

Settling up time with our waiter now had come, and he presented us with a very long bill upon which he had written down every item of food and drink which we had had upon the boat. The whole cost, however, for the two of us only amounted to 56 marks 17 pfennigs (about £2 16s.). We departed from our comfortable and pleasant little boat with great regret, as it had certainly been a delightful journey and most soothing to our somewhat jaded nerves. The only drawback was the chilly weather and lack of sun.

We went ashore at Ludwigshaven and eventually found our way to the station, and finally found ourselves in the right compartment for Heidelberg. We had obtained our 4th class tickets without much difficulty, but we waited peacefully for the departure train at the arrival platform. It had the advantage, however, of teaching us the meaning of at least two German words, very important for our future, as we expected to have a fair amount of train travelling before the end of our holiday.

We had booked our room at the Hollander Hof before leaving England, and found ourselves very comfortably housed in Heidelberg for the next four days. We made a somewhat serious mistake here, however, as we

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had only arranged for bed and breakfast at the Hollander Hof, and we were sadly at a disadvantage when it came to mealtimes. It ended in our having practically all our meals there *a la carte*, but it would have saved us a great deal of unnecessary discomfort and also some money, if we had gone "*en pension*." The hotel was a spacious, comfortable and very clean place, on the bank of the river Neckar, close to the Old Bridge, and we can thoroughly recommend it to anyone desiring accommodation in that neighbourhood. Our bill for the four days, which included most of our meals, was 50s. for the two of us.

Heidelberg is the German Cambridge, and is situated on the beautiful river Neckar, a tributary of the Rhine, joining it at Mannheim, some twelve miles or so away. The town itself is at the foot of two very steep and thickly-wooded hills, with the river running between. Some way up the hill on the right-hand side of the Neckar is the famous old Schloss or Castle of Heidelberg, which we explored on the following day. We arrived at the town on a Saturday evening, and as it was raining and we were both tired and excited, we went to bed early. We were very much disturbed, however, in the middle of the night by a man outside our room, in the same corridor knocking on a number of doors all round our own, and speaking rather loudly to the inmates thereof in a very hurried fashion. Being absolute strangers in a foreign country with no knowledge of the language, we wondered whatever was the matter. He had not actually knocked upon our door, so we finally decided that it was a man knocking up his somewhat large family in order to catch a night train, of which there are a number passing through and stopping at Heidelberg *en route* for various countries. Our supposition was confirmed the next morning when we discovered that the rooms around us which had been occupied on the previous evening were now empty and were being cleaned out. We had no more disturbances during our stay there and were, in fact, very comfortable.

The next day being Sunday after breakfast we wandered out and explored the opposite side of the river and climbed up a wonderfully wooded rambling pathway, winding round gardens of vines, up and round for

miles it seemed, until we arrived at the top of the hill on a little plateau on which there was a two-storied tower, and from whence we could overlook the town and the winding silver ribbon, it looked, which was the river Neckar. We were surrounded by extensive woods with wide paths extending in all directions and carpeted with lilies of the valley. These seem to grow wild there in large quantities. We found upon our descent that the walk was called the Philosopher's Weg. Later, we walked up to the Schloss, where we met numerous batches of rucksack parties, mostly young men and women, dressed more or less alike, for the most part without hats and generally carrying flowers. These young folk are jolly looking people, healthy, happy and bright. The grounds of the Schloss are very extensive and were filled with people of all ages, quiet and sober. We saw, at the end of the day, a small army of people making their way down the hill to the station at Heidelberg, and as they walked they sang a quaint old German song, which resounded among the hills and was exceedingly pleasant to hear. We were very favourably impressed with the orderly behaviour of the young German people generally.

(To be concluded.)

#### F. O. ROBERTS' POLL CARD.

On pages 133-136 we illustrate the unique pollcard issued by "F.O." during the recent election. In the original the photo (page 133) is at the left hand of the illustration on page 136. The portion shown on page 134 goes to the left of page 135. It will be noted that as these parts are folded over "F.O.'s" finger exactly reaches the arrow giving the elector's register number. The agent at West Bromwich is Mr. Albert Guest, to whom we are indebted for the loan of the illustrations. We leave to our readers the high commendation that will be earned by these ideas.

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